

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO

MICHAEL JERRY ALLEN MATA, SR.
AND DALIA MARTINEZ MATA
PLAINTIFFS

§ CIVIL ACTION NO. 5:20-cv-1079

VS.

MARY LYNN SUTTON
DEFENDANT

§ JURY DEMANDED

DEFENDANT'S NOTICE OF REMOVAL

Defendant, MARY LYNN SUTTON files this notice of removal under 28 U.S.C. §1446(a).

A. INTRODUCTION

1. Plaintiffs are MICHAEL JERRY ALLEN MATA, SR. AND DALIA MARTINEZ MATA, and the Defendant is MARY LYNN SUTTON.
2. On July 15, 2020, Plaintiffs sued Defendant in the 225TH Judicial District Court of Bexar County, Texas, alleging Defendant's negligence caused an automobile accident.
3. Defendant was served with the lawsuit on August 17, 2020. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b), as the deadline falls on Thursday, September 16, 2020.
4. Removal is proper because there is complete diversity of citizenship between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiffs are citizens of the State of Texas, according to their allegations in the Plaintiff's Original Petition. At the time of the occurrence made the basis of this suit, Defendant was a citizen of the State of California. Defendant subsequently moved and at the time the suit

was filed, she was a citizen of the State of Arizona. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs (See Paragraph 13 of Plaintiff's Original Petition where he states that he is seeking damages in excess of \$1,000,000). 28 U.S.C. §1332(a).

5. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a) see **Exhibit "A"**.

6. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

7. Plaintiff did demand a jury in the state court suit.

D. CONCLUSION

8. There is complete diversity between the parties, and Defendant is a citizen of a state other than Texas. Additionally, the amount in controversy exceeds \$75,000. For these reasons, Defendant asks the Court to remove the suit to the United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

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BY: _____

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument has been forwarded, in accordance with the Texas Rules of Civil Procedure, to:

Mr. Isaac Liou
The Law Office of Thomas J. Henry
521 Starr Street
Corpus Christi, Texas 78401
iliou-svc@tjhlaw.com
(361) 985-0601

on this the 11th day of September, 2020.



DANIEL C. ANDREWS